

;ARTICLE 39

NORTH STATION ECONOMIC DEVELOPMENT AREA

(;Article inserted on September 13, 1989*)

TABLE OF CONTENTS

	<u>Page</u>
Section 39-1 Statement of Purpose, Goals, and Objectives	3
39-2 Recognition of the North Station EDA Plan	3
39-3 Physical Boundaries	3
39-4 Applicability.....	3
 REGULATIONS CONCERNING BUILDING HEIGHT AND FLOOR AREA RATIO (FAR)	
Section 39-5 General Building Height and Floor Area Ratio.....	4
39-6 Building Height and FAR in the New Boston Garden Development Area	4
39-7 Building Height and FAR in the New Economy Development Area	4
 REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS	
Section 39-8 Establishment of Areas Within Which Planned Development Areas May be Permitted	5
1. PDA Permitted Areas; Review and Approval Requirements	
2. Planned Development Areas: Use and Dimensional Regulations	
39-9 Deleted	
39-10 Planned Development Areas: Standards for Development Plan Approval	5
39-11 Planned Development Areas: Planning and Development Criteria	6

* Date of public notice: August 12, 1989 (see St. 1956, c. 665, s. 5).

**As amended through July 26, 2002.

1. Development Plan Approval for Diversification and Expansion of Boston's Economy
2. Development Plan Approval for the Construction of Major, Unique Civic Facilities
3. Development Plan Approval for the Creation or Retention of Job Opportunities

USE REGULATIONS

Section 39-12	North Station Economic Development Area Use Regulations	7
	1. Inclusion of Day Care Facilities	
	2. Allowed Uses	
	3. Conditional Uses	
	4. Forbidden Uses	

REGULATIONS GOVERNING DESIGN

Section 39-13	Specific Design Requirements	13
	1. Street Wall Continuity	
	2. Street Wall Height	
	3. Setback Requirements	
39-14	Riverfront Setback Area	16

OPEN SPACE SUBDISTRICT

Section 39-15	North Station Central Artery Open Space Subdistrict	16
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MISCELLANEOUS PROVISIONS

Section 39-16	Off-Street Loading	17
39-17	Regulations	17
39-18	Severability	17

Appendices:

Appendix A - Deleted [Map 1B, North Station EDA]	
Appendix B - Definitions	18

(Editor's Note: This table of contents is added for the convenience of the user. It has not been adopted as part of this article.)

SECTION 39-1. Statement of Purpose, Goals, and Objectives. The purpose of this article is to establish the zoning regulations for the comprehensive plan for the North Station Economic Development Area ("EDA") as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this code. The goals and objectives of this article, which constitutes the North Station EDA Plan, are to direct downtown development in a way that promotes balanced growth for Boston; to channel growth away from congested areas and toward underutilized sites; to create a gateway to the city by rail and highway from the north; to create a mixed-use district which includes office, retail, research and development, biomedical, institutional, residential, and sports facility and entertainment uses; to provide an area of the downtown to enhance the expansion of Boston's biomedical and research and development sectors; to create a complex of facilities and services which will foster economic growth in Boston and throughout the region; to increase the number of jobs in those sectors of the economy likely to employ Boston residents; to promote the creation and incubation of new research and development businesses and uses along with facilities supporting such uses; to create a functionally and architecturally unified district which is compatible with the North End and the Bulfinch Triangle; to create vistas and access to the Charles River; and to create new recreation space along the Charles River.

SECTION 39-2. Recognition of the North Station EDA Plan. In accordance with Section 27D-18 of this code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the North Station area (Special Study Area No. 5), this article serves as the North Station EDA Plan. The Zoning Commission hereby recognizes this article (approved by the Boston Redevelopment Authority on June 29, 1989) as the North Station EDA Plan and also as the general plan for the North Station EDA and as the portion of the general plan for the City of Boston applicable to the North Station EDA. The preparation of the North Station EDA Plan by the Boston Redevelopment Authority is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 39-3. Physical Boundaries. The provisions of this article are applicable only in the North Station EDA. The boundaries of the North Station EDA are as shown on a map entitled, "Map 1B North Station Economic Development Area (supplemental to 'Map 1 Boston Proper')" of the series of maps entitled "Zoning Districts City of Boston," as amended.

(;As amended on July 31, 1997.)

SECTION 39-4. Applicability. This article together with the rest of this code constitutes the zoning regulation for the North Station EDA and applies as specified in Section 4-1 regarding the conformity of buildings and land to this

code. Application of the provisions of Article 27D to the North Station EDA is rescinded, and the North Station EDA is deleted from the Downtown Interim Planning Overlay District, on the effective date of this article. Where conflicts between this article and the rest of this code exist, the provisions of this article shall govern. Except where specifically indicated in this article, the provisions of this article supersede Sections 13-1, 13-2, and 13-4 and Articles 8 and 14 through 24 of this code for the North Station EDA. The provisions of this article, however, are not applicable to the following Proposed Projects, which are governed by the rest of this code.

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the commission for adoption of this article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

;SECTION 39-5. **General Building Height and Floor Area Ratio.** Except in the New Boston Garden Development Area and the New Economy Development Area, as provided in following sections, a Proposed Project within the North Station EDA is allowed an as-of-right building height of one hundred twenty-five (125) feet and an as-of-right FAR of eight (8); provided that any Proposed Project shall have an as-of-right building height of one hundred fifty-five (155) feet and an FAR of ten (10) if such Proposed Project is subject to or shall elect to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

(;As amended on May 9, 1996.)

;SECTION 39-6. **Building Height and FAR in the New Boston Garden Development Area.** Within that portion of the North Station EDA depicted on Map 1B of this code as the "New Boston Garden Development Area," a Proposed Project is allowed an as-of-right building height of four hundred (400) feet and an as-of-right FAR of eleven (11).

(;As amended on July 31, 1997.)

;SECTION 39-7. **Building Height and FAR in the New Economy Development Area.** Within that portion of the North Station EDA depicted on Map 1B of this code as the "New Economy Development Area", a Proposed Project is allowed an as-of-right building height of two hundred fifty (250) feet and an as-of-right FAR of eight (8); provided that any Proposed Project shall have an

as-of-right building height of three hundred (300) feet and FAR of ten (10) if a Development Plan for such Proposed Project has been approved pursuant to Section 3-1A.a and Planned Development Area Review. Notwithstanding the foregoing provision, a Proposed Project within that portion of the New Economy Development Area designated for public parking on Map 1B is limited to a maximum building height of sixty-five (65) feet.

(;As amended on May 9, 1996 and July 31, 1997.)

;SECTION 39-8. Establishment of Areas Within Which Planned Development Areas May Be Permitted.

1. PDA Permitted Areas; Review and Approval Requirements. PDAs, as described in Section 3-1A.a, may be established in the New Boston Garden Development Area and the New Economy Development Area. The purposes for establishment of PDAs are to establish a more flexible zoning law and encourage large-scale private development on underutilized sites in the North Station EDA. No PDA is permitted within the North Station EDA except within the New Boston Garden Development Area and the New Economy Development Area. See Article 80 concerning the applicability of Planned Development Area Review.
2. Planned Development Areas: Use and Dimensional Regulations. A Proposed Project described in a Development Plan shall be in Substantial Accord with the dimensional standards set forth in Section 39-6 (for the New Boston Garden Development Area) or 39-7 (for the New Economy Development Area), as applicable. Except where specifically indicated in this article, Section 39-13 (Specific Design Requirements) shall not apply to a Proposed Project described in a Development Plan.

For applicable use regulations, see Section 39-12 (North Station Economic Development Area Use Regulations).

(;As amended on May 9, 1996 and July 31, 1997.)

SECTION 39-9. [Applicability of Future Amendments.] Deleted on May 9, 1996 by Text Amendment No. 228.

;SECTION 39-10. Planned Development Areas: Standards for Development Plan Approval. For approval standards for Planned Development Area Development Plans, see Section 80C-4 (Standards for Planned Development Area Review Approval).

(;As amended on May 9, 1996 and July 31, 1997.)

SECTION 39-11. Planned Development Areas: Planning and Development Criteria. The Boston Redevelopment Authority may approve a Development Plan as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review Approval) for compliance with the applicable planning and development criteria of this article if the Development Plan proposes a plan for development, consistent with the goals of the North Station EDA Plan, including one or more of the following: (a) the diversification and expansion of Boston's economy in new or expanding areas of economic activity, such as private investment in the research and development of pharmaceutical and biomedical products, in accordance with the provisions of paragraph 1, below, of this section; (b) the construction of major, unique civic facilities, including a new sports and entertainment arena and a multimodal transportation center in accordance with the provisions of paragraph 2, below, of this section; or (c) the creation or retention of job opportunities, in accordance with the provisions of paragraph 3, below, of this section.

1. Development Plan Approval for Diversification and Expansion of Boston's Economy. The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if a significant portion of the new gross floor area of the Proposed Project is for uses such as, but not limited to, the following: (a) research and development of pharmaceutical and biomedical products; (b) the design, development, fabricating, and testing of instruments for engineering, medical, dental, scientific, optical, or other similar professional use; or (c) other scientific research and development uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products prior to preclinical testing.
2. Development Plan Approval for the Construction of Major, Unique Civic Facilities. The Boston Redevelopment Authority may approve a Development Plan proposing construction of major, unique civic facilities if: (a) the Proposed Project includes an indoor sports and entertainment facility; and (b) the Proposed Project is coordinated with North Station as the major transportation gateway to downtown Boston by rail, auto, and public transportation from the north.
3. Development Plan Approval for the Creation or Retention of Job Opportunities. The Boston Redevelopment Authority may approve a Development Plan proposing creation or retention of job opportunities if it determines that: (a) employment positions in businesses occupying the Proposed Project are newly created in Boston, not relocated from other parts of the city; (b) the Development Plan provides for entrepreneurial assistance measures, such as (i)

information, outreach, and education programs concerning new business development; (ii) general business planning and management counseling; (iii) technical assistance; and (iv) the establishment of general financing options; or (c) the use proposed will retain jobs in the city or will contribute otherwise to the economic health of the city, from the Development Plan's showing that at least thirty-three percent (33%) of the gross floor area of the Proposed Project will be leased or used by entities identified in the Development Plan.

(;As amended on May 9, 1996.)

↔SECTION 39-12. **North Station Economic Development Area Use Regulations.** In the North Station EDA, the use of land and structures is hereby regulated as provided in this section. The provisions of Article 8 apply only as specified in this section, except that Section 8-6 applies. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 39-12 or in conformity with the provisions of an approved Development Plan with respect to land or structures located in a PDA.

1. Inclusion of Day Care Facilities. The provisions of this paragraph apply only to Proposed Projects which exceed one hundred thousand (100,000) square feet of gross floor area. Any Proposed Project having a gross floor area, not including the floor area devoted to Residential Uses, which equals or exceeds one hundred thousand (100,000) square feet, shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table A of this section. An Applicant for a Proposed Project subject to the provisions of this paragraph may fulfill its obligations under this paragraph by (a) creating such facilities on-site; or (b) creating such facilities, or causing such facilities to be created elsewhere in the City. The provision of day care facilities in accordance with this paragraph shall be in conformity with written regulations to be adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this paragraph, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE A

Provision of Day Care Facilities

Facilities	Size of Proposed Project	Minimum Day Care
	<u>(Gross Square Feet)</u>	<u>(Gross Square Feet)</u>
	100,000 up to 200,000	2% of gross floor area
	200,000 up to 500,000	4,000
	500,000 up to 1,000,000	8,000
	More than 1,000,000	12,000

2. Allowed Uses. No land or structure in the North Station EDA shall be erected, used, or arranged or designed to be used, in whole or in part, for any use except under the provisions of an approved Development Plan for land or structures in a PDA, or Section 39-12.3 and Article 6, Conditional Uses, unless such use is specified in the Development Plan or in this Section 39-12.2. Any use so specified below shall be allowed as a matter of right, subject only to the provisions of this Section 39-12 or, in the case of a PDA, the approved Development Plan, except that in an OS (Open Space) district only the use specified in paragraph (q) below is allowed.

- (a) New Economy Uses. Limited to: basic research; research and development; product development or prototype manufacturing; biomedical technology; pharmaceutical research and development; research and medical laboratories.
- (b) Public Arena Uses. Limited to: the production and exhibition of professional and amateur sporting and athletic events; theatrical productions; concerts; public entertainment events; religious gatherings; large-scale meetings; concession services; private clubs serving members and guests; health club and sports medicine clinic; loading and servicing facilities, subject to Section 39-17; video production facilities; ticket sales facilities, and offices for building management and staff.
- (c) Residential Uses. Limited to: multifamily dwelling, artists' live/work space, apartment house, lodging or boarding house, temporary housing shelters, group residence, limited, as defined in clause (22B) of Section 2-1, and any dwelling converted for more families, where structures after conversion will conform to this code. Residential uses include any affordable dwelling units, including but not limited to affordable dwelling units which

are rental units, condominiums, or limited equity share cooperatives.

- (d) Restaurant and Entertainment Uses. Limited to: the service or sale of food or drink for on-premises consumption, with or without dancing or entertainment; concert hall; theater, commercial or nonprofit (including motion picture or video theater, but not drive-in theater); art galleries, nonprofit or for profit; provided that uses described in Use Item 38A are forbidden.
- (e) Office Uses. Limited to: business or professional offices; real estate, insurance, or other agency or government office; office building; post office, or bank (other than drive-in bank) or similar establishment. (See also paragraph 2(n) of this section.)
- (f) Hotel or motel.
- (g) Deleted on February 22, 1991.
- (h) Day care center, family care center, nursery school, kindergarten, elementary or secondary school, or community health center or clinic.
- (i) Recreational and Community Uses. Limited to: private grounds for games and sports; other social, recreational, or sports and entertainment center conducted for profit; private club (including quarters of fraternal or sororal organizations) operated for members only; adult education center or community center building; settlement house; the maintenance and operation of any amusement game machine in a private club, dormitory, fraternity, or sorority house, or similar noncommercial establishment, or in any commercial establishment.
- (j) Amended to Conditional Use on October 20, 2000.
- (k) Wholesale Uses. Limited to: office or display or sales space of a wholesale, jobbing, or distributing house; and provided that not more than twenty-five percent (25%) of gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
- (l) Service Uses. Limited to: video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry; pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; framer's studio;

caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; funeral home; undertaker's establishment; mortuary; research laboratory; radio or television studio; or similar uses provided that in laundries and cleaning establishments, only nonflammable solvents are used for cleaning; animal hospital or clinic.

- (m) Retail Uses. Limited to: store primarily serving the local retail business needs of the neighborhood; artist supply store; grocery store; department store, furniture store, general merchandise mart or other store serving the general retail business needs of a major part of the city, including accessory storage; provided that uses described in Use Item 34A are forbidden.
- (n) Institutional Uses. Limited to: place of worship, monastery, convent, or parish house; elderly care facility; nonprofit library or museum, not accessory to another institutional use; research laboratory; clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot, provided that such use will occupy interior space being used by the same institution for another institutional use at the time such change is proposed; hospital, sanatorium, convalescent or nursing home, elderly care facility, orphanage, or similar institution not for correctional purposes, whether or not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; or clinic or professional offices accessory to a hospital or sanatorium whether or not on the same lot, providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.
- (o) Accessory Uses subject to the limitations and restrictions of Article 10, limited to: conference facilities; auditoria; classrooms; a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential use under paragraph 2(c) of this section, a hotel or motel, or a group care residence under paragraph 2(g) of this section; a swimming pool or tennis court; the storage of flammable liquids and gases incidental to a lawful use; the manufacture, assembly, or packaging of products sold on the lot; the maintenance and operation of not more than four amusement game machines accessory to eating and drinking establishments; the keeping of animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary

institutions; the keeping of laboratory animals incidental to an allowed institutional use, provided that all resulting noise, dust, fumes, gases, odors, and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety; in educational institutions with more than four hundred (400) full-time students, and in hospitals with more than fifty (50) beds, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff or students and faculty, when conducted wholly within a building and entered solely from within the building where there is but one building on the lot or from an entrance not directly facing a street or lot line where there is more than one building on a lot, unless accessory to a hospital or sanatorium or clinic which is an allowed use; research laboratory accessory to an allowed institutional use; and any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory.

(p) For land or structures in a PDA, uses specified in the approved Development Plan, including a parking lot or parking garage or other parking space, whether or not accessory, which would otherwise be a conditionally permitted use under Sections 39-12.3(d) and 39-12.3(m).

(n) Open Space, as described in Use Item No. 27 of Table A of Section 8-7.

(r) Pawnshops

3. Conditional Uses. No land or structure in the North Station EDA shall be erected, used, or arranged or designed to be used, in whole or in part, for any use under the provisions of Article 6 unless such use is specified in this Section 39-12.3. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the regulations set forth in this Section 39-12, or may be allowed by the Zoning Commission in its approval of a Development Plan for a PDA; except that an OS district, only the use specified in paragraph (m) below may be authorized under Article 6 or under a Development Plan. The continued right to a conditional use granted under Article 6 is dependent upon maintaining the character and extent of operations and structures.

(a) Residential Uses. Limited to: temporary dwelling structure, orphanage, and any dwelling converted for more families,

provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.

- (b) Group Care Residence, unless otherwise allowed pursuant to paragraph 2(c) of this section.
- (c) Light Manufacturing Uses, except as allowed in Section 39-12.2(a); kennel or pound.
- (d) Parking lot or parking garage, except as allowed under paragraph 2(o) or paragraph 2(p) of this section.
- (e) Wholesale Uses. Limited to: accessory storage (other than of flammable liquids, gases, and explosives) in roofed structures or office or display or sales space of a wholesale, jobbing, or distributing house where more than twenty-five percent (25%) of gross floor area devoted to this use is used for assembling, packaging, and storing merchandise.
- (f) Fast Food Restaurant Uses. Limited to: sale over the counter, not wholly incidental to a use listed under paragraph 2(a), 2(d), or 2(m) of this section, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
- (g) Rental motor vehicle and trailer agency accessory to a hotel or motel, provided that no rental vehicles or trailers are parked on the street and that exterior lighting is arranged to shine downward and away from residences.
- (h) The change of use of any residence to another use.
- (i) Transportation Uses. Limited to bus terminal, bus station, subway station or railroad passenger station, airline shuttle service.
- (j) Ancillary Uses. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
- (k) Institutional Uses. Limited to: college or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; penal or

correctional institution; detention home; machine shop or other noisy activity accessory to a school, college, or university, adequately sound-insulated to protect the neighborhood from unnecessary noise; library or museum not conducted for profit and accessory to another institutional use not allowed pursuant to paragraph 2(n) of this section; clinic not accessory to a main use.

- (l) Service Uses. Check cashing business.
 - (m) Accessory Uses. Limited to: a garage or parking space for occupants, employees, customers, students, and visitors, such use not accessory to a residential use, a hotel or motel, or a group care residence.
 - (n) Open space recreational building, as described in Use Item No. 27A of Table A of Section 8-7.
 - (o) Public Service Uses. Limited to: public service pumping station, sub-station, automatic telephone exchange, or telecommunications data distribution center subject to St. 1956, c. 665, s. 2.
 - (p) Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
 - (q) Body Art Establishment
4. Forbidden Uses. No land or structure in the North Station EDA shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in the Use Item column of Table A of Section 8-7 if such use is not specified in Sections 39-12.2 and 39-12.3 as an allowed or conditional use, except for such uses as may be allowed to be continued as nonconforming uses under the provisions of Article 9.

(;As amended on February 22, 1991, September 30, 1993, October 6, 1994, and September 20, November 21, 1996, May 30, 2000, September 18, 2000, October 20, 2000, February 16, 2001, and April 9, 2001.)

;SECTION 39-13. **Specific Design Requirements**. Proposed Projects within the North Station EDA shall comply with the specific design requirements established in this section. Except as provided in Article 6A, no Zoning Relief

shall be granted from the provisions of this section. See Section 80C-9 (Planned Development Area Review: Effect on Applicability of Other Zoning Requirements) and Section 39-8.2 (PDAs: Use and Dimensional Regulations) concerning the applicability of the provisions of this section to Proposed Projects in Planned Development Areas.

1. Street Wall Continuity. The Street Wall of any Proposed Project shall be built:
 - (a) to be coextensive with at least eighty percent (80%) of the "Existing Building Alignment" of the block on which the Proposed Project fronts, established pursuant to Section 18-2 of this code; or
 - (b) to a depth from the street line equal to that of at least eighty percent (80%) of the Existing Building Alignment of either block adjacent to the block on which the Proposed Project is located, if there is no Existing Building Alignment of such block.

Recess Above Display Window Area Street Wall*

<u>Maximum Depth</u>	<u>Maximum Aggregate Surface Area</u>
Fifteen (15) feet	Twenty percent (20%)

*Recesses do not include windows, which must be indented.

2. Street Wall Height. The "Street Wall Height" of Proposed Projects within the North Station Economic Development Area shall not exceed one hundred twenty-five (125) feet. The endwall of a street which is a cul-de-sac does not count as a Street Wall for the purposes of this Section 39-13.
3. Setback Requirements.
 - (a) Sky Plane Setbacks. Other than decorative cornices and other surface ornamentation, every portion of a Proposed Project (including, but not limited to, mechanical equipment) above the Street Wall Height of such Proposed Project shall be set back by not less than the amount of the "Sky Plane Setbacks" established in Table C for the Street Wall Heights and building heights of three hundred (300) feet. Portions of a Proposed Project more than one hundred seventy-five (175) feet in height above grade level should be treated in a manner to create a

visually distinctive roof or other termination of the facade of the Proposed Project.

The amount of the Sky Plane Setback at various heights for each wall of a building depends on whether the particular wall faces on a street identified below in Table B. The endwall of a street which is a cul-de-sac does not count as a Street Wall for the purposes of this Section 39-13.

TABLE B

Streets on Which Setbacks are Required

Causeway Street
Lowell Street

New Nashua Street
North Washington Street

TABLE C

Sky Plane Setbacks
Minimum Depth of Setback from Street Wall

<u>Location</u>	<u>Above Street Wall Height</u>	<u>Above 300' (Total Setback From Street Wall)</u>
Causeway Street*	40'	40'
Lowell Street	15'	15'
New Nashua Street*	35'	50'
North Washington Street	15'	50'

* Above the Street Wall Height, the Sky Plane Setbacks of separate portions of buildings along the same street may be averaged, to avoid repetitive tower distances from the Street Wall, so long as a minimum Sky Plane Setback of twenty-five (25) feet is maintained for portions of each building exceeding the Street Wall Height.

The Sky Plane Setback provisions established in this paragraph shall not be applicable to the extent that, as a consequence of such provisions, the maximum possible gross floor area for any floor of a Proposed Project would be less than nine thousand (9,000) square feet.

- (b) The principal facade of a building may violate the setback requirements up to the one hundred seventy-five (175) foot level, up to a maximum of 35 feet horizontal dimension or one bay or thirty percent (30%) of total horizontal length of the principal facade, whichever is greater.

(;As amended on July 31, 1997.)

SECTION 39-14. **Riverfront Setback Area.** No structure shall be erected, altered, or extended within thirty-five (35) feet of the existing mean high water mark of the Charles River.

;SECTION 39-15. **North Station Central Artery Open Space Subdistrict.** The area within the North Station Economic Development Area depicted on Map 1B of this code as OS-A, the "North Station Central Artery Open Space Subdistrict," is an Air-Right open space subdistrict, subject to the regulations set forth in Section 33-16.

(;As amended on July 31, 1997.)

;SECTION 39-16. **Off-Street Loading.** Article 24 governs the provision and design of off-street loading facilities for the use of any structure or land not subject to the provisions of Large Project Review. The provision and design of off-street loading facilities for the use of any structure or land that is subject to Large Project Review shall be determined through such review.

(;As amended on May 9, 1996.)

SECTION 39-17. **Regulations.** The Boston Redevelopment Authority may promulgate and from time to time amend regulations to administer this article.

SECTION 39-18. **Severability.** The provisions of this article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this article.

APPENDIX B to ARTICLE 39

Definitions

For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this article, as set forth in Section 39-4, or the authorized agent of any such person or entity.
2. ["Development Plan"]. Deleted on May 9, 1996 by Text Amendment No. 228.
3. "North Station Economic Development Area Plan" means the comprehensive plan, adopted by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952 and Section 27D-18 of this code, which sets forth the planning policies, development controls, and design guidelines for the North Station Economic Development Area.
- ;4. "North Station Economic Development Area" means the area depicted on Map 1B of this code.

(;As amended on July 31, 1997.)
5. "Proposed Project" means the substantial demolition, erection, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.
6. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street on which such Proposed Project is located, and is below the Street Wall Height, determined pursuant to Section 39-13.
7. "Substantial Accord" means, with respect to building height, that the vertical distance from grade to the top of the structure of the last occupied floor of a Proposed Project shall not exceed the specified height limit for the applicable district or subdistrict by more than fifteen (15) feet.
8. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.